

PROB 12C
(7/93)

United States District Court
for
District of New Jersey

Petition for Warrant for Offender Under Supervision

Name of Offender: James Edward Pender
PACTS Number: 4462

Docket Number: 93-00645-003(SD/NY)
D/NJ Docket Number:

Name of Sentencing Judicial Officer: Honorable Charles S. Brieant, United States District Judge, SD/New York

Date of Original Sentence: 04/15/1994

Original Offenses: Conspiracy to Commit Armed Bank Robbery, Bank Robbery, Armed Bank Robbery, and Use of a Firearm during a Crime of Violence

Original Sentence: 111 months imprisonment; 5 years supervised release.

Type of Supervision: Supervised release

Date Supervision Commenced: 7/3/05

Assistant U.S. Attorney: Sharon Ashe, 970 Broad Street, Room 502 Newark, New Jersey (973) 645-2700

Defense Attorney: John Yauch, AFPD, 1002 Broad Street, Newark, New Jersey 07102, (973) 645-6347

On 4/19/2010, jurisdiction of this matter was transferred from the Southern District of New York.

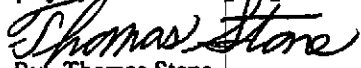
PETITIONING THE COURT

- [X] To issue a warrant
[] To issue a summons

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	The offender has violated the supervision condition which states 'You shall not commit another federal, state, or local crime.' On April 5, 2010, DEA arrested Pender and charged him with Conspiracy to Possess with Intent to Distribute more than 1 Kilogram of Heroin.
2.	The offender has violated the supervision condition which states 'You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.' From March 5, 2010 until April 5, 2010, Pender engaged in criminal activity with felon Russell Fluker. On March 11, 2004, Fluker was found guilty of Credit Card Fraud, a felony, in the Superior Court of New Jersey (Union County).

I declare under penalty of perjury that the foregoing is true and correct.


By: Thomas Stone
Senior U.S. Probation Officer
Date: 4/20/10


THE COURT ORDERS:

- [X] The Issuance of a Warrant
[] The Issuance of a Summons. Date of Hearing: _____
[] Other


Signature of Judicial Officer

4/29/10
Date

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

April 20, 2010

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United States District Court
Martin Luther King Courthouse
50 Walnut Street
Newark, New Jersey 07102

RE: PENDER, James
Supervised Releasee
NOTICE OF NEW ARREST /
REQUEST FOR A WARRANT

Dear Judge Designate:

On April 15, 1994, the above-named offender was sentenced in U.S. District Court, Southern District of New York on charges of Conspiracy to Commit Armed Bank Robbery, Bank Robbery, Armed Bank Robbery, and Use of a Firearm during Crime of Violence to 111 months, 5 years supervised release. On July 3, 2005, Pender was released from custody, and he commenced the supervision term. We write to provide notification of the offender's new arrest, and we charge that he is in violation of another condition of supervised release. We recommend the issuance of a warrant for the arrest of James Pender.


On April 5, 2010, the DEA arrested the offender and charged him with Conspiracy to Distribute and Possession with Intent to Distribute 1 Kilogram of Heroin. The criminal conduct in this case occurred between March 5, 2010 and April 5, 2010. Pender remains in federal custody on this matter.

We charge that Pender violated the standard condition of supervision which reads the defendant shall not associate with persons engaged in criminal activity. As evidenced by the offense conduct, the offender associated with felon Russell Fluker.

Pender's prior criminal record includes three narcotics-related convictions, Receiving a Stolen Motor Vehicle (2 counts), and Criminal Possession of a Defaced Firearm. The offender is a danger to the community; he is a flight risk, and he does not own real property. He faces significant prison exposure for his new offense as well as Violation of Supervised Release. These factors enhance Probation's assessment that the offender is a flight risk. In view of these factors, we ask for the issuance of a warrant to serve as a detainer.

We request that Your Honor review and sign attached Probation Form 12 C (Violation of Supervised Release) and a warrant be issued for the arrest of James Pender. Please contact the undersigned officer directly at 973/645-4590 if there are any questions.

Sincerely,


Thomas J. Stone
Senior U.S. Probation Officer

Attachment.

